

May 3, 2006

Chairman Kevin J. Martin
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

RE: CG Docket No. 02-278

My name is David Rudd, and I am the President/CEO of IAT, Inc., located in Salt Lake City, Utah. Our company has provided predictive dialers to the Collection Industry exclusively for debt collection purposes for more than 20 years. My business has been substantially harmed and is in danger of being shut down as a result of the Federal Communications Commission's (FCC) 2003 regulatory decision to expand the definition of "autodialer" to include "predictive dialer" and to forbid the use of predictive dialers to call cell phones.

I believe that the FCC does not fully understand our technology and is operating under the false assumption that predictive dialer hardware has the capacity to randomly dial sequentially generated phone numbers. Our predictive dialer (hardware and software) does not now have nor has it ever had the capability to generate random sequential numbers. The sole purpose of the calls our clients make using our system is to recover payments for goods and services already purchased. The phone numbers they dial are attached to over-due accounts bearing the names and contact information of the debtors. Our customers do not and cannot use the dialing equipment we provide to dial randomly.

It is becoming more and more difficult to sell new predictive dialers to prospects who are concerned about the possible legal ramifications of using them, especially because it is now virtually impossible to know if the debtor number being dialed is a cell phone or a landline phone, even within an existing business relationship. Therefore, it is impossible to exclude them.

Moreover, wireless phone usage has grown exponentially since 1991 when the TCPA was enacted. Today, more than one out of every five Americans under the age of 35 does not have a landline phone and instead uses a wireless phone as their exclusive means of telephone communication. Numbers are portable between wireless and landline subscriptions.

If the FCC's 2003 regulatory definition of autodialer (e.g., predictive dialer) is allowed to stand, our customers face the devastating loss of an essential productivity tool, namely the predictive dialers that they purchase from us. To return to dialing debtors' numbers manually, with the associated labor costs and revenue loss, would put most of them—and us—out of business.

It is you and I who ultimately pay for uncollected debt. I urge you as the chair of the FCC to ask the commission to grant ACA International's (ACA) request for regulatory clarification of the 2003 decision in favor of the collection industry, as

well as in favor of all consumers who lawfully pay for goods and services they have purchased.

Sincerely,

David Rudd, President/CEO
IAT, Inc.

cc: ACA International